

REMARKS

Applicant acknowledges receipt of the final office action dated February 28, 2008, in which the Examiner maintained the rejection of claims 1-3 and 12 as obvious over the combination of Kendziora (WO 03/029607) with Harrall (US 20050011650); the rejection of claims 4-7 as obvious over the combination of Kendziora with Harrall and Schetky (US 6772836); and the indication that claims 8-11 would be allowable if re-written independent form.

Applicant respectfully traverses the rejections for the reasons set out below.

§ 103 Rejection of claims 1-3 and 12 as obvious over the combination of Kendziora with Harrall

In response to the arguments submitted in Applicant's previous Response, the Examiner states that, "Harrell discloses expanding a portion of a sleeve 565 and removing an unexpanded portion of the sleeve through the expanded portion, which could be combined with the expandable system of Kendziora in view of Harrell by someone having ordinary skill in the art to remove a bottom unexpanded portion of the sleeve."

It is apparent from this statement that the Examiner is reading the claim in a manner other than was intended by Applicant. In order to clarify the intended claim scope, Applicant has in this after-final Response amended claim 1 to recite that i) the removal step includes removing the portion of the sleeve that was expanded in step c), and ii) the sleeve is removed from the tubular element through the first portion, thereby reducing the diameter of the sleeve.¹

Support for these limitations can be found in the drawings, in paragraph [0050] (as published), and in original claim 10 (which has been indicated to be allowable). The amendment therefore does not constitute new matter.

As described in detail in the previous response, after expansion, the first portion of the tubular will always have an inside diameter that is smaller than the outside diameter of the sleeve. Thus, removing the portion of the sleeve that was expanded through that first portion will require reducing the diameter of the sleeve back to a smaller diameter. Because none of the references

¹ The present amendment is made without conceding the merits of the Examiner's arguments. Applicants maintain, as asserted in the previous Response, that the combination of the references does not produce a method meeting the limitations of the present claims. The Examiner's cursory "combination" of the references is unsupportable and disregards the actual teachings of the references. A casing/liner (as taught by Kendziora) is not a "sleeve" (as suggested by the Examiner). Further, even if one wanted to remove the casing of Kendziora, the teachings of Harrell would be of no use, as, after expansion, no portion of the Kendziora "sleeve" is small enough to fit through the string above it.

teaches removing an expanded portion of a sleeve through a portion of pipe that has a smaller diameter, the present claims are distinguishable over the references.

Because the present amendment places the claims in condition for allowance, Applicant respectfully requests that it be entered.

Allowable claims 8-11

Applicant appreciates the allowance of claims 8-11 but defers their amendment pending consideration of the arguments set out above.

Conclusion

In view of the foregoing, Applicants believe that all of the claims are in condition for allowance and favorable consideration by the Examiner is requested. If the Examiner has any questions or comments regarding the case, he is encouraged to telephone the undersigned at (713) 241-1041.

Respectfully submitted,
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